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ABSTRACT

The Sub-committee on Legislation of the Committee on Education of the Community Service Society (CSS) focuses on education law at the local, state and federal levels. It reviewed 617 bills on education submitted to the New York State Legislature. Committee on Education of CSS reviewed only those bills which were of special interest. The Committee was particularly interested in bills relating to bilingual education. Similarly, the Society's support of school decentralization prompted interest in legislation pertaining to the governance and administration of public schools of Community School Boards. Previous policy positions in regard to education for the handicapped, students' rights, integration, pre-kindergarten and other compensatory education programs, continuing education and church-state issues in state aid to non-public schools, provided additional guidelines to the selection of bills for analysis and action. The bills on which the Committee took action are listed in the final section of this report. Included in the table of bills are brief descriptions, introductory numbers for Senate and Assembly bills, the names of legislators who introduced the bills, the type of CSS action and the final outcome. The bulk of the report describes highlights of action on education bills in the 1974 session. (Author/JM)

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EDUCATION LEGISLATION IN NEW YORK STATE

A Review of Key Issues in 1974

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PREFACE

The Committee on Education of the Community Service Society was established in 1972. The main focus of this committee, one of eight such citizens committees in the Society's Department of Public Affairs, is the disadvantaged child in New York City.

The Committee on Education set as its program goal the achievement of adequate, appropriate and equal education for all children in the City of New York and the necessary and humane accommodation to special needs. Recognizing that under the Constitution of the State of New York the Legislature has prime responsibility for providing "for the maintenance and support of a system of free common schools, wherein all the children of the state may be educated", the Committee established a Subcommittee on Legislation to address its attention to education law at the local, state and federal levels.

A total of 18,983 bills, of which over 2000 related to education, came before the State Legislature in its 1974 session (including 10,737 bills carried over from the 1973 session). Of this total, 1082 bills were signed into law by the Governor and 260 were vetoed.

During the session the Committee on Education of CSS reviewed only those bills which were of special interest. Having begun an in-depth study of programs for pupils with English language difficulty in New York City public schools, the Committee was particularly interested in bills relating to bilingual education. Similarly, the Society's support of school decentralization prompted interest in legislation pertaining to the governance and administration of

public schools, particularly with reference to the composition, rights and responsibilities of Community School Boards.

Previous policy positions in regard to education for the handicapped, students' rights, integration, pre-kindergarten and other compensatory education programs, continuing education and church-state issues in state aid to non-public schools, provided additional guidelines to the selection of bills for analysis and action.

In total, 617 bills dealing with education were reviewed. Thirty-two legislative memoranda were issued, covering 58 bills and one resolution. These included 21 messages of support and 11 of opposition to legislative measures. Of those supported by CSS, four were signed into law and another was incorporated in the new state aid to education law. Of those we opposed, one became law and another was enacted after it was amended, removing the objectionable provisions. The balance died in committee.

The bills on which the Committee took action are listed in the final section of this report. Included in the table of bills are brief descriptions, introductory numbers for Senate and Assembly bills, the names of legislators who introduced the bills, the type of CSS action -- support, oppose or recommendation for change -- and the final outcome, including the chapter numbers of bills signed into law.

What follows are highlights of action on education bills in the 1974 session.

EDUCATION LEGISLATION IN NEW YORK STATE
A Review of Key Issues in 1974

As was anticipated in an election year, the 1974 legislative session produced a significant increase in state aid to local school districts through passage of a revision of the state aid formula; private colleges will benefit from increased tuition assistance to their students; and non-public elementary and secondary schools also received a new state aid package.

On the other hand, sorely needed reforms in relation to procedures for Community School Board elections, equalization of financing of education between rich and poor districts, and state responsibility for meeting the needs of children whose first language is other than English did not gain popularity in Albany's legislative halls and no significant action was taken.

Education for the Handicapped

Among the legislative priorities for 1974 set by the Committee on Education of CSS was the expansion of educational services to meet the needs of handicapped children. It was obvious, as the legislative session was underway, that this was also of major concern to many of our state representatives and the largest bulk of education bills introduced (though not passed) was related to this population. Almost one-third of the legislative memoranda issued by the Society's Committee on Education, often in concert with the Committee on Health, related to such bills.

The Committee supported:

-- measures which would have provided for the placement of handi-

capped children in classes on the basis of commonality in educational, social and/or emotional needs, determined by the children's level of ability and functioning, rather than the determining factor in placement being the similarity of handicapping conditions (S.5992/A.7651);

-- legislation to mandate teacher-training courses for all prospective teachers to prepare them for identifying and helping children who have learning disabilities not sufficiently handicapping to require special class placement (A.11255) and

-- bills to permit establishment of pre-kindergarten programs for handicapped children starting at the age of three (S.5991/A.7635; S.7170/A.8524).

The teacher-training bill died in committee. The others mentioned above passed the Senate, but were not reported out of committees in the Assembly. An early childhood education bill which did pass and gained approval of the Governor was one which will provide full state financing for the education of deaf children under the age of three in approved institutions (A.3340; Chapter 1066).

The Society also supported, with recommendations, legislation which would have provided state aid for work-study programs for handicapped students, aged fourteen and over, who could benefit thereby. It was the Committee's view that such training would assist handicapped youth to become more self-sufficient and gain confidence in their ability to function on a job, enhance their self-image and serve as a motivating factor for continuing their education.

The recommendations called for appropriate educational and vocational guidance in such a program and the provision of transportation to and from the training sites (S.7971/A.9527). However, the bills died in committees of both chambers.

A measure opposed by two of the Society's Committees, Education and Health, had a worthy purpose -- that of early screening and evaluation for handicapping conditions -- but was severely flawed on several counts (S.8255/A.9723). It would have mandated universal testing of all kindergarten or first-grade entrants, leaving to each school district the selection of the tests to be used. The Committees noted that judgements about the child's general behavior would have been made at the traumatic moment of his being separated from parents, possibly for the first time, and introduced to the strange atmosphere of school. Not only do adequate tests not exist to measure all of the factors described in the proposed legislation, but testing for emotional disturbance, "cultural disadvantage" and undefined learning disabilities upon entrance to school could well be a disservice to children and encourage early labeling, rather than responsible and professional diagnosis and prescription. Group screening tests are not suitable for picking up the subtleties that a trained teacher and clinician could, through evaluation based on observation and interaction with the child over a period of time. Children do not develop uniformly and evaluation of their skills and behavior on entry to school would not necessarily reflect disabling learning impediments. Moreover, the measure made no provision for follow-through and remediation, once the "diagnosis" was made.

The Society, referring to the Fleischmann Commission's* recommendation for a statewide network of multi-disciplinary diagnostic teams (at an estimated cost of 48 million dollars, compared to the one million which this legislation would have provided), proposed the selection of two or three model districts in which a carefully designed program of teacher training, diagnostic techniques and remediation could be developed to serve subsequently as a guide for other school districts.

In response to some of the criticism leveled not only by Community Service Society, but in similar vein by other concerned organizations, the bills were amended to eliminate the testing for so-called "cultural disadvantage" and to change the requirement for testing on entrance to kindergarten to testing "in conjunction with kindergarten programs", but not enough was changed to warrant support. The amended bill passed the Senate but died in committee in the Assembly.

The major problem regarding education of the handicapped, however, was the financial problem -- that of insufficient support.

Led by CSS, a New York City Ad Hoc Coalition for Education of the Handicapped was formed in February of this year, having as its primary objective the provision of special education for all handicapped children not currently served in either public or private schools. Based on the 1970 census, the Fleischmann Commission's conservative estimate of the number of handicapped children in New York State not receiving any special services was about 200,000.

* The New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education

As of the start of 1974, New York State was the only state in the nation which provided neither extra weighting in its state aid formula nor categorical aid to local school districts for the education of handicapped children. The only special state funding for such children was earmarked for private schools which were educating those for whom "no adequate public facilities for instruction" existed. Only 7300 handicapped children (less than three percent of the total school enrollment of such children) attended these private schools.

The Fleischmann Commission's report had recommended a weighted average of 2.05 for special education of handicapped children attending public schools in this state.

Representatives from CSS and other groups in the Ad Hoc Coalition visited key legislators in Albany in mid-March to press for a state aid formula which would have allotted double the amount of aid for the education of handicapped children as compared to the non-handicapped. The Society supported legislation which would have increased the weighting factor to 2.05 (A.11259), or alternatively to 2.00 (A.11324). While these specific measures died in committee, the concept of the double weighting was included in a bill establishing a new state aid formula for education which was passed at the end of April, under a Message of Necessity from the Governor, and signed into law (S.10539; Chapter 241).

The new state aid formula also provides special calculations for severely handicapped pupils attending special schools in the

"Big Five" city school districts or for whom such school districts contract for services, and for occupational education programs for upper grade children with handicapping conditions in these large city districts.

The Governor, in one of his memoranda accompanying approval of a bill, estimated that of the $307 million state aid increase for education (in the Chapter 241 provisions), $90 million is earmarked for the education of the handicapped.

CSS had also supported bills to increase the annual tuition grant for handicapped children receiving instruction outside of the public school system. For several years during which costs had escalated, the state grants had remained at $2000 per child. While we believe it would be in the best interest of handicapped children to be educated with their peers in their own local community, until such time as all local school districts can provide suitable staff, facilities and appropriate programs for these children, we continue to support the allocation of public funds to assist the families who are faced with high tuition costs to educate their children in the private "4407" schools.

Therefore, legislation to raise the tuition grants, either to $2500 or to $3000 annually, received support from the Society (S.7399/A.8673; A.11261).

The increase to $2500 was approved by the Legislature and signed into law by the Governor (A.8673-A; Chapter 982).

Bilingual Education

The Society's Committee on Education has also been deeply con-

cerned about the educational deprivation of another segment of the school population, handicapped not by physical, mental or emotional disabilities, but by virtue of having a language dominance other than English and attending classes where the language of instruction is only in English.

Beginning in the Spring of 1973, the Committee had undertaken a study of programs for pupils with English language difficulty in New York City public schools. While this was a year-long project, much pertinent information had been obtained before the start of the 1974 legislative session and the Committee's recommendations were formulated before the session closed. The Society's recently published "Report on Bilingual Education" was based on data obtained from Board of Education reports, interviews with bilingual educators and researchers, federal legislation and statutes of other states, analysis of evaluations of selected bilingual programs which had been prepared by independent agencies, and observations of "bilingual programs" in 17 New York City schools.

We found that, generally, New York City students who came from homes where English was not the dominant language were functioning several years below their grade level; at least half of the students so identified were receiving no special language instruction during 1973-74; low reading scores and high dropout rates characterized this school population; and the proportion of pupils with English language difficulties had increased from nine percent to thirteen percent of the total school enrollment (and now number almost 150,000) during the past decade. Although two-thirds of these pupils are from

Spanish-speaking homes, a sizable number are from homes where the dominant language is Italian, French, Chinese, Greek and other foreign languages.

The effort of the city school system to help such students was clearly inadequate. Most of the programs which were operating were developed only because federal and limited state aid funds were earmarked for that purpose.

The report calls for action by the State Legislature to mandate the provision of bilingual instruction for those pupils whose difficulties with the English language prevent their meaningful participation in classes where the language of instruction is English only. Five other states have already enacted such mandatory legislation. Of the bills introduced in the New York State Legislature in 1974, two different bilingual education measures were passed by both houses and sent to the Governor for executive action (S.1563-A; A.9616-A). The one which the Governor signed increases the period during which bilingual instruction may be given from three years to six years, provided approval is obtained from the State Commissioner of Education (S.1563-A;Chapter 1052).

The bill which was vetoed had been preferred by the Society even though the extension of time permitted such programs would have been only four years. The bill had other virtues, incorporating several of the recommendations endorsed by the CSS Committee on Education. These included permitting school districts to establish continuing bilingual programs for each language group; enabling a pupil whose school did not have a bilingual program in

his language category to attend classes in a school which did, with parental consent; requiring districts to develop a "comprehensive plan for the evaluation" of its bilingual programs; and requiring districts to include information on the language dominance of each child in the school census. Moreover, the vetoed bill maintained authority at the local district level rather than requiring the State Commissioner of Education to rule on every individual case. The veto message indicated State Education Department preference for the other bill because of the controlling provision which requires state approval on a student-by-student basis. The argument proffered was that an across-the-board extension of the time limit was less desirable in that it might delay transition to English language instruction.

Other legislation, which the Society supported (S.7195/A.8603) and which became law, requires that qualifying examinations administered by the New York City Board of Examiners for bilingual teachers be given not only in English and Spanish, as previously provided, but in "any other appropriate second language". This is essential to meet the instructional needs of children in other language groups (S.7195; Chapter 31).

Students' Rights

Opposed by the Society was a measure to extend from five to ten days the period for which a principal could suspend a pupil without a hearing (S.4968-A/A.4541-B). Such procedure was viewed as denying the constitutional guarantee of due process and as unsound educationally.

A 1969 CSS study of suspensions in one New York City school district found that 72 percent of the students suspended were between the ages of six and thirteen, and disproportionately Black and Puerto Rican. Since then considerable evidence has been gathered to challenge the suspension process.

The suspension bill died in committee in both the Assembly and Senate.

Busing

Strong opposition was also raised by CSS against an anti-busing resolution jointly introduced in both Houses (Joint Res. #70). Maintaining that educational policy should not be politicized in this fashion, the Society took issue with the inflammatory language which suggested that integration leads to "constant friction, riots, demonstration and violence". Not only is such a statement unfounded, but it tends to exacerbate interracial friction, divides communities and inhibits rational attempts to provide equal educational opportunities.

The resolution died in committee.

Continuing Education

Support was voiced for an amendment to the Education Law which would permit provision of basic continuing education programs in other than night schools (S.7106/A.8521). Noting that changing work shifts, the hesitancy of older citizens to go out at night, and the daytime underutilization of many school buildings due to the falling birthrate, all provided arguments for lifting such restrictions, the Society urged passage of this measure. However, the bill died in committee.

Pre-Kindergarten

CSS also supported several bills which would have empowered boards of education to conduct approved pre-kindergarten programs for children between the ages of three and five, designed to provide compensatory educational experience for them (S.458C, S.5004, A.1564). These bills all died in committee.

Compensatory Education and State Aid

Other bills were introduced which related to providing compensatory education for those whose poverty contributed to educational deprivation. One would have permitted remedial instruction on weekends in the public schools (A.3064). Others were aimed at updating reading test score data and poverty census data on which State Urban Aid allocations were based (S.7107; S.9225/A.11159; A.10110). The Society supported these and opposed an attempt to eliminate the criterion of poverty for State Urban Aid (S.7145/A.8415). All these measures died in committee.

Also supported were several bills to base state aid on total school registers rather than on average daily attendance (S.261/A.1065; A.8756). Since staffing and school budgets are predicated on the full register and absentees require additional supportive services to encourage their participation in school, the effect of the WADA (weighted average daily attendance) formula is to reduce support for those students who are in regular attendance.

The bills died in committee, but were somewhat offset by a new state aid formula.

State Aid Formula

A new $307 million public school aid package, sent to the

Legislature at the end of April, with a Message of Necessity from the Governor, was passed almost unanimously. Chapter 241 represents the first major formula change since the "Diefendorf formula" was enacted a dozen years ago, and was based largely on the recommendations of a special Task Force representing the Regents, the Legislature and the Governor.

Because of the manner in which the state aid bill was presented to the Legislature, there was no opportunity for public appraisal of its contents, but it did include special aid for those pupils in the public schools who need special help and for whom the costs are thereby greater.

While eliminating some categorical aid, such as the previously mentioned State Urban Education aid, the new formula has built in special weightings of 25 percent more in state aid for educationally disadvantaged pupils than the average weighting per pupil, 100 percent more for handicapped pupils, 12 percent for summer session pupils, and a 50 percent weighting for evening school pupils preparing for a high school diploma. The latter two categories had not previously been covered by state aid.

The formula raises the ceiling on which aid is paid from $860 to $1200 per pupil and is based on full-year attendance rather than on selected periods of attendance; and "borough aid" will be continued for New York City.

Secondary school pupils (grades seven through twelve) will be weighted at 1.25 but only for the 1974-75 school year. After that the extra 25 percent weighting will be dropped.

The additional state aid for disadvantaged pupils, handicapped pupils and the special aid which the "Big Five" cities will receive for the severely handicapped and for occupational education programs must be used for such pupils in accordance with regulations to be issued by the State Commissioner of Education and may not be used to reduce local tax support.

School districts, under the new law, are also authorized to contract with private accredited schools anywhere within the State of New York for the special education of handicapped children.

The new formula increases per-pupil operating aid for every district (from a minimum of eight percent to a maximum of fifteen percent) and stems the decline in the state's sharing of the costs of public education. The state's contribution to education had gone down steadily since the "Diefendorf formula" was approved in 1962. At that time the state's share was 49 percent; by 1973-74 it had gone down to 39.1 percent*, the level of support prevailing prior to the Diefendorf formula. The new formula raises this to 41 percent**, which is still below the national average of state support (43 percent)*. New York City public schools, though reaping a dollar increase, will receive a lesser percentage of the total state aid apportioned than it had previously, the new formula being more favorable to suburban school districts.

* Source: "Estimates of School Statistics, 1973-74", National Education, as reported in Compact, July/August 1974, bimonthly magazine of the Education Commission of the States

** "Legislative Review", Vol. 4, No. 15, May 27, 1974

State Aid to Non-Public Schools

The Community Service Society has long opposed the use of public funds for nonpublic sectarian schools, basing its opposition on constitutional, social and educational grounds. In view of the actions of the United States Supreme Court in the past four years, striking down a series of New York State statutes which were aimed at providing state aid, in a variety of forms, to religiously dominated schools, the Society's Committee on Education was dismayed by the persistent support of such programs by the Regents, the Governor and the majority of the Legislature.

In the 1974 session, the Society opposed several measures to aid nonpublic schools. The major bill, requested by the Regents and the Governor, was a new "mandated services" aid program (S.8635/A.10548; A.10447), carrying appropriations of over $8 million of state funds to reimburse nonpublic schools for state-mandated testing and record-keeping. The Society pointed out that this was similar to an act previously passed in New York State and subsequently invalidated by the high court; contended that this was a further attempt to subvert both federal and state constitutional provisions for separation of church and state; and maintained that such action diverted the state's limited financial resources from its obligation to support essential public services.

Despite the opposition of CSS and a host of other civic, religious, and educational organizations, the legislation passed and was signed into law by the Governor (A.10548; Chapter 507).

Another bill would have amended the Education Law to redefine "health and welfare services" (which must be provided to all children, whether attending public or nonpublic schools), to include "supportive education and tutorial assistance", as well as various pupil personnel services (S.7434/A.8395). The Society, citing Article XI, Section 3 of the New York State Constitution, which specifically prohibits the use of any public funds for education in sectarian schools, and court decisions which declared unconstitutional similar statutes of other states, urged defeat of this measure. It died in committee.

Nonpublic schools will benefit from a new law which requires that transportation be provided for their pupils who reside up to fifteen miles from the school they attend (S.10808; Chapter 755). The limit had been ten miles.

Other legislation, affecting both public and nonpublic schools, included a "dual enrollment" measure, requiring boards of education to accept into public school classes nonpublic school pupils whose parents wish to enroll them for vocational education, or for special education for the handicapped. The pupils thus enrolled are to be assigned to regular classes and not segregated from public school pupils; they are to be counted for state aid purposes; and transportation is to be provided between the nonpublic and public school. This was passed and signed into law (A.10549-A; Chapter 593).

Several bills were also introduced to redefine a "textbook" in Education Law, with such definition applicable to the textbook

loan law which requires boards of education to purchase and loan textbooks to all pupils in elementary and secondary schools, public and nonpublic (state funds are provided for such purpose). The proposed definitions included filmstrips, video tape, records, cassettes and other visual or audiovisual aids, as well as paperbacks, workbooks and laboratory manuals and "other instructional materials" (A.6672-A; S.7433/A.8396; A.9195).

While CSS did not object in principle to expanding the definition for categorical aid to the public schools, it did oppose the legislation's applicability to nonpublic schools. The Society noted that the textbook loan law had been upheld by the United States Supreme Court because secular textbooks, approved for public school use, were to be loaned to individual students on their request and therefore this was not construed as aid to a school. However, in its opposition to the proposed changes, the agency stated that the items to be included under the heading of "textbooks" are typically provided for school classrooms or resource centers rather than individual students and consequently would represent unconstitutional aid to nonpublic schools. The term "other instructional materials" is so open-ended as to permit all forms of classroom equipment.

Several of these bills died in committee. One which survived was amended to eliminate references to filmstrips, video tapes, records and other visual or audiovisual aids. It then passed and was signed into law by the Governor (A.6672-B; Chapter 444). The textbook definition now covers paperback books, workbooks or manuals, as well as hardcover books, which a pupil is required to use as a text or text-substitute.

A law also passed which provides emergency state aid to school districts for costs incurred by the closing of nonpublic schools when the resulting increase in enrollment in the district's public schools exceeds 100 students (A.11956-A; Chapter 569).

Governance and Administration

Of major interest to the Committee on Education, as the Legislative Session opened in January 1974, were needed reforms in the Decentralization Law, particularly with reference to procedures for electing Community School Board members and clarification of the powers and responsibilities of the Central Board and Community School Boards.

In the wake of general dissatisfaction with the conduct of the 1973 CSB elections, State Commissioner of Education Ewald B. Nyquist had appointed former Regent Max J. Rubin to conduct an inquiry and to make recommendations for reform. Public hearings were held in the fall of 1973, not only by Mr. Rubin, but also by the Assembly's Education Committee, presided over by Mrs. Constance E. Cook, its chairman. The latter hearing dealt with all aspects of the Decentralization Law.

Despite keen interest and citizen support for reform, legislation introduced in April at the request of the State Education Department , which encompassed Mr. Rubin's recommendations, did not gain legislative support. As often happens with an omnibus bill, the number and variety of proposed amendments was such that opposition to one or another was raised and support was thereby split.

The reforms which the Committee on Education, in concert with other civic groups, endorsed would have provided for establishment of a separate commission to administer the CSB elections, protected against the intrusion of partisan politics in school board elections, provided permanent registration for parents to vote in school board elections, prohibited employees of any Community School district or the Board of Education from serving on a Community School Board because of possible conflict of interest, and filled vacancies through a recount of the original proportional representation votes.

The latter two proposals were introduced as separate bills and were supported by the Society. The conflict of interest bills died in committee (S.7852/A.8623). The proposal for filling vacancies passed the Senate, but died in the Assembly (S.7382/A.8617).

At present vacancies are filled by a majority vote of the remaining school board members, followed by a special election if the term extends beyond the end of the calendar year. This has caused disputes and positions have remained unfilled because of an even-numbered split among remaining board members. Mr. Rubin proposed filling vacancies by appointment by the Chancellor. However, most civic groups shared the view of the Society that the recount method was more in keeping with the aim of the proportional representation election system. The effect of the proposed procedure would be to elect candidates who would have been elected if the vacating member or members had not run in the first place. Another advantage would have been the savings to the taxpayers of the considerable expense required by special elections.

While Mr. Rubin had proposed a separate commission to administer CSD elections (consisting of three unpaid commissioners, one appointed by the Mayor, one by the Board of Education and the third by the State Commissioner of Education) and a permanent administrative unit, with such agencies to be created within the existing corporate structure of the Board of Education, another bill introduced in the Senate towards the end of the session would have placed all authority for governing the elections within the Board of Elections and eliminated from existing state law any role or responsibility of the Board of Education in this regard.

Opposed by civic groups because it was viewed as a vehicle for intruding partisan politics in the school board elections, the bill failed to pass.

Other bills limiting the powers of Community School Boards or otherwise affecting the governance and administration of schools in New York City, included one which would have transferred from Community School Boards to the Central Board the authority to appoint district superintendents, principals and other supervisory staff (S.1055-A) and another measure which would have required the CSB's to obtain the advice and consent of the Central Board in the appointment and assignment of supervisory personnel (S.7011/A.10299).

The Society opposed both attempts to diminish the authority of the Community School Boards. Neither bill succeeded.

On the other hand, CSS supported legislation which would have enhanced the ability of a Community School Board to take advantage of a provision for an alternative hiring method for teachers, dis-

regarding the Board of Examiners' eligibility lists, for schools ranking very low in reading (S.6260/A.7910). These bills also died in committee.

Measures to eliminate the Bureau of Attendance in New York City were also supported by the Society (S.7854/A.9031), but died in committee. While we recognize the need for a structure to monitor the attendance of children in the public schools, other sections of the Education Law make adequate provision for this and the Bureau is an expensive anachronism, unique to New York City and inconsistent with decentralization.

An amendment limiting the term of the Chancellor and any Community Superintendent to not more than one year beyond the term of office of the city board or Community School Board, respectively, which had contracted for their services, was supported by the Society. The overlapping of the chief administrator's term by one year provides continuity to a school district, but there had been instances of three or four-year contracts for supervisors made by boards which themselves have a term of two years, thereby severely restricting the powers of the succeeding boards (S.7336/A.8608).

This measure passed and was signed into law by the Governor (A.8608; Chapter 136).

Other Legislative Action in the 1974 Session Affecting Education

As previously indicated, the CSS Committee on Education selected bills for review and for action consonant with its program goals and areas of major interest or concern. Its selectivity, however, should not be construed as reflecting on the importance of other

educational issues which received legislative attention. The 1974 session produced additional legislation and executive action which will affect educational opportunity, policy, and governance in the future. While the Committee took no position on these, no review of this past session would be complete without reference to these other changes in the Education Law.

Higher Education: Chapter 832 provides for over 500 additional Regents College scholarships to be awarded to ensure that at least one such scholarship would be granted for every 40 graduates of every public and nonpublic high school in the state.

Chapter 942 provides for a "tuition assistance program" (TAP) to replace the Scholar Incentive Program. Tuition grants to college students will be awarded on a sliding scale based on family income. For students entering private colleges, the maximum grant will be $1500, the minimum $100, with no grant awarded to those whose net taxable income is $20,001 or more; for those entering state colleges, the maximum will be $650 and the minimum of $100 will be applied to those half-way down the scale of income used in the private college computation. In other words, a private college freshman whose family's net taxable income is $10,000 would receive a $950 tuition grant, but such a freshman in a State university school would receive the minimum grant of $100. Assistance to the latter group also stops with a $20,001 net taxable family income. The maximum grant for a community college student is $600.

Income of parents will not be a factor in the case of self-supporting "emancipated minors".

The new law, aimed at effecting a reduction in the gap between public and private college tuition, is expected to encourage increased enrollment in the private colleges. Additional assistance is also provided to private medical and dental schools.

To administer the higher education grants and loans, a new New York State Higher Education Services Corporation was created. The Governor has since appointed J. Wilmer Mirandon as president of the new corporation.

Long-sought legislation which would have transferred supervisory jurisdiction over the eight community colleges in New York City from the State University to the Board of Higher Education was vetoed by the Governor.

Miscellaneous: Chapter 19 reduces the term of office of the Regents from fifteen years to seven years.

Chapter 1002 permits senior citizens (60 years of age and over) to audit courses at public colleges in the State University of New York, on a space-available basis, without tuition and without earning credit.

Chapter 149 permits teaching experience in nonpublic schools to satisfy the experience requirement for certification as a superintendent of schools or member of a board of examiners.

Chapters 735 and 736 reduce the probationary period for public school teachers from five to three years.

The following table is a summary of the education bills on which the Committee on Education of the Community Service Society took action. Copies of the CSS memoranda are available on request.

EDUCATION BILLS BEFORE THE 1974 STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro #	Introducer	CSS Action	Final Outcome
EDUCATION FOR THE HANDICAPPED				
Provides for grouping of handicapped students by ability	S. 5992	Mr. Giuffreda	Memo #3 S	Passed Senate; Died in Assembly
	A. 7651	Mr. Suchin et al		Died in Assembly
Mandates course of study for teachers-in-training re: learning disabilities of minimally handicapped pupils	A. 11255	Mr. LaFalce	Memo #13 S	Died in Assembly
Permits school district to establish instructional programs for handicapped children starting at age three	S. 5991	Mr. Giuffreda	Memo #17 SWR	Passed Senate; Died in Assembly
	A. 7635	Rules		Died in Assembly
Permits school district to provide instruction for handicapped children starting at age three and to have said instruction counted for state aid purposes	S. 7170	Mr. Giuffreda	Memo #27 S	Passed Senate; Died in Assembly
	A. 8524	Mr. Margiotta et al		Died in Assembly
Provides funds for work-study programs for handicapped students 14 and over	S. 7971	Mr. Donovan	Memo #20 SWR	Died in Senate
	A. 9527	Mr. Beckman		Died in Assembly
Requires testing of kindergarten entrants for "cultural disadvantage" and other "learning impediments"	S. 8255	Mr. Pisani et al	Memo #9 O	S. 8255-A Passed Senate; Died in Assembly
	A. 9723	Mrs. Cook et al		Died in Assembly

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LEGEND
*Denotes bill which became law or was vetoed
S-Support
SWR-Support with Recommendation
O-Oppose
OWR-Oppose with Recommendation

Subject	Intro #	Introducer	CSS Action	Final Outcome
Education for the Handicapped (cont'd)				
Increases weighting factor in state aid formula for education of handicapped children	A. 11259	Mr. LaFalce	Memo #14 S	Died in Assembly
Increases weighting factor in state aid formula for education of handicapped children	A. 11324	Mr. Stavisky	Memo #21 S	Died in Assembly Note: Chap. 241, the new state aid formula, includes this provision of double weighting
Increases tuition aid for private school education of handicapped pupils from $2000 per annum to higher rate	S. 7399	Mr. Conklin et al	Memo #22 S	Amended and died in Senate
	A. 8673	Mr. Margiotta et al		A. 8673-A* became Chap. 982
	A. 11261	Mr. LaFalce		Died in Assembly
BILINGUAL EDUCATION				
Extends 3-year limit for bilingual education to 6 years with approval of State Commissioner of Education	S. 1563-A*	Mr. Garcia et al	Memo #31 S	Chap. 1052
Extends 3-year limit for bilingual education to 4 years and makes provision for school census of language dominance, establishment of multilingual programs, voluntary transfer of pupil if home school has no program, and development of plans for evaluating programs	A. 9616-A	Mr. Montano et al	Memo #31 S	Vetoed
Provides that qualifying examinations for bilingual teachers be given in any appropriate second language (law previously limited these to English and Spanish)	S. 7195*	Mr. Marchi et al	Memo #4 S	Chap. 31
	A. 8603	Mrs. Gunning et al		Died in Assembly

Subject	Intro #	Introducer	CSS Action	Final Outcome
STUDENTS' RIGHTS Extends from 5 to 10 days the period for which a principal can suspend a pupil without a hearing	S. 4968-A A. 4541-B	Mr. Knorr Mr. Battista et al	Memo #11 O	Died in Senate Died in Assembly
BUSING Directs New York State Commissioner of Education to abandon his announced intention to implement a city-to-suburb and suburb-to-city busing program for any purposes	Jt. Res. #70	Mr. Schermerhorn Mr. Ryan et al	Memo #26 O	Died in Senate and Assembly
CONTINUING EDUCATION Changes section headings from "Kindergartens, nursery and night schools" to "Kindergartens; nursery schcols and continuing education programs"	S. 7106 A. 8521	Mr. Giuffreda Mr. Levy et al	Memo #30 S	Died in Senate Died in Assembly
PRE-KINDERGARTEN Provides for pre-kindergarten programs for disadvantaged children	S. 4580 S. 5004 A. 1564	Mr. Bronston Mr. Garcia Mr. Blumenthal	Memo #2 S	Died in Senate Died in Senate Died in Assembly
COMPENSATORY EDUCATION AND STATE AID Permits remedial instruction on Saturdays and Sundays in public schools	A. 3064	Mr. Strelzin	Memo #25 S	Died in Assembly
Updates test score data and poverty census data for state urban aid allocation	S. 7107	Mr. Giuffreda	Memo #10 S	Died in Senate
Extends categorical urban aid for one year and updates test score data on which aid is based	S. 9225 A. 11159 A. 10110	Mr. Caemmerer Mr. Kingston Mr. Stavisky	Memo #23 SWR	Died in Senate Passed Assembly; Died in Senate Died in Assembly

Subject	Intro #	Introducer	CSS Action	Final Outcome
Compensatory Education and State Aid (cont'd)				
Eliminates criterion of poverty for state urban aid and substitutes reading retardation as sole criterion	S. 7145 A. 8415	Mr. Calandra Mr. Velella	Memo #7 O	Died in Senate Died in Assembly
Bases state aid formula on total students registered rather than on attendance data	S. 261 A. 1065 A. 8756	Mr. Gold Mr. Hevesi Mr. Hamilton	Memo #19 S	Died in Senate Died in Assembly Died in Assembly
STATE AID TO NON-PUBLIC SCHOOLS				
Reimburses non-public schools for state-mandated testing and record-keeping	S. 8635 A. 10548* A. 10447	Budget Bill Mr. Riccio et al Budget Bill	Memo #12 Memo #32 O	Died in Senate Chap. 507 Died in Assembly
Includes educational services as "health and welfare services" to non-public schools	S. 7434 A. 8395	Mr. Griffin Mr. LaFalce	Memo #8 O	Died in Senate Died in Assembly
Broadens definition of textbooks to include other educational supplies (applies to textbook loans to non-public schools)	A. 6672-A	Mrs. Cook et al	Memo #1 OWR	A. 6672-B* became Chap. 444
Broadens definition of textbooks to include other educational supplies (applies to textbook loans to non-public schools)	S. 7433 A. 8396 A. 9195	Mr. Griffin Mr. LaFalce Mr. Stavisky	Memo #15 O	Died in Senate Died in Assembly Died in Assembly
GOVERNANCE AND ADMINISTRATION				
Prohibits Board of Education employees from serving on Community School Boards (conflict of interest)	S. 7852 A. 8623	Mr. Giuffreda Mr. Strelzin	Memo #18 S	Died in Senate A. 8623-A died in Assembly
Fills Community School Board vacancies through recount of ballots cast in previous election	S. 7382 A. 8617	Mr. Garcia Mr. Stavisky et al	Memo #6 S	Passed Senate; Died in Assembly Died in Assembly

Subject	Intro #	Introducer	CSS Action	Final Outcome
Governance and Administration (cont'd)				
Transfers from Community School Boards to Central Board of Education authority to appoint administrative staff	S. 1055-A Assembly Print #31032	Mr. Marchi et al	Memo #28 O	Passed Senate; Amended and died in Assembly
Requires advice and consent of Central Board of Education in appointment and removal of persons in teaching and supervisory service	S. 7011 A. 10299	Mr. Bloom Mr. Griffith	Memo #24 O	Died in Senate Died in Assembly
Eliminates time restriction for hiring "off-list" teachers for schools with low reading scores	S. 6260 A. 7910	Mr. Garcia Mr. Griffith	Memo #5 S	Died in Senate Died in Assembly
Abolishes the Bureau of Attendance in New York City	S. 7854 A. 9031	Mr. Giuffreda Mrs. Cook	Memo #29 S	Died in Senate Died in Assembly
Limits term of chancellor and district superintendent in relation to school board's term in office	S. 7336 A. 8608*	Mr. Marchi et al Mr. Riccio et al	Memo #16 S	Died in Senate Chap. 136